

REMARKS

Examined claim 1 recites that the acrylic polymer is prepared from alkyl acrylate monomers and/or alkyl methacrylate monomers, and polymerizable non-cyclic nitrogen-containing monomers. While applicants submit that the recited claim language makes it clear that the polymer is prepared only from these monomers, claim 1 has been further amended to make this even clearer. Claim 1, as now amended, recites that the composition comprises an acrylic polymer component, which polymer is prepared from monomers selected from the group consisting of alkyl acrylate monomers, alkyl methacrylate monomers and polymerizable non-cyclic nitrogen-containing monomers. The polymer contains, based on the total monomer weight of the polymer, from about 50 % to about 98 % of an alkyl acrylate monomer and/or alkyl methacrylate monomer and from about 2 to about 50% of a polymerizable non-cyclic nitrogen-containing monomer. No new matter has been added. Entry is requested.

Claims 1-6 and 8-17 are rejected under 35 U.S.C. § 102 (b) as being anticipated by WO 96/08229. Applicants note that the disclosure of WO 96/08229 corresponds to published U.S. application 2006/0099242 (May 11, 2006), which is listed on the accompanying form 1449/PTO.

The examiner cites WO 96/08229 as disclosing pressure sensitive adhesive compositions comprising an acrylic polymer comprising 40-95 % of one or more A monomers and up to 60% of one or more B monomers. The examiner further notes that the polymer composition of WO 96/08229 is used to form matrices for transdermal drug delivery

devices, which devices comprise a backing layer, a matrix layer comprising the composition and a therapeutic agent and a release liner.

Applicants disagree. The claimed invention is not anticipated by the disclosure of WO 96/08229. The copolymer disclosed in WO 96/08229 is described as comprising one or more A monomers, one or more optional B polymers and a macromonomer. The macromonomer is a required and necessary component of the disclosed copolymer. WO 96/08229 fails disclose or even suggest a matrix for transdermal drug delivery that comprises a polymer prepared from monomers selected only from the group consisting alkyl acrylate monomers, alkyl methacrylate monomers and polymerizable non-cyclic nitrogen-containing monomers. The subject matter of claims 1-6 and 8-17 is not anticipated by WO 96/08229. Withdrawal of this rejection is requested.

Claims 1-11 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,077,527 (Tan et al.).

Applicants disagree. The Tan reference is disqualified as prior art. In this regard, the subject matter of Tan, and the subject matter claimed in the subject application were, at the time the claimed invention was made, owned by the same individual (National Starch and Chemical Investment Holding Corporation). Regarding the examiner's comments that the Rule 131 declaration is insufficient to overcome this rejection, failure of the examiner to set forth a rejection under section 102 (a) was discussed during the February 7, 006 interview with the examiner. The Rule 131 declaration was submitted to show invention earlier than the June 20, 2000 publication date of the Tan patent in order to obviate any forth coming

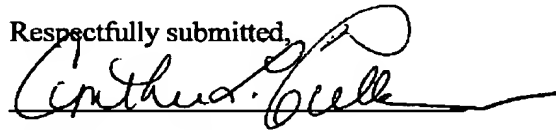
rejection based on Section 102 (a) of the statute, not Section 102 (e).

Claims 7 and 18-10 [sic - 19] are rejected under 35 U.S.C. § 103 (a) as being obvious over WO 96/08229 alone or in view of U.S. Patent No. 6,077,527 (Tan et al.).

Applicants disagree. The polymer of WO 96/08229 comprises one or more A monomers, one or more optional B polymers and a macromonomer. There is no disclosure in the WO 96/08229 that would suggest use of adhesive that comprises a polymer prepared from monomers selected only from the group consisting alkyl acrylate monomers, alkyl methacrylate monomers and polymerizable non-cyclic nitrogen-containing monomers. Tan adds nothing to the disclosure of WO 96/08229 which would lead the skilled artisan to applicants' claimed invention. Moreover, as noted above, since Tan is disqualified as prior art, due to the common ownership, any rejection based in whole or in part on Tan must fall. Withdrawal of this rejection is requested.

Applicants submit that the application is in condition to be allowed. Early and favorable action is requested.

Respectfully submitted,



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